IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8301 of 2005

Between:

1 Sri Lakkamraju Prithvi Raju, S/o.Sri Hanumantha raju,
R/o.Veerepalli Village, Ulavapadu Mandal,
Prakasam District.
2 Sri Krishnam Raju, S/o.Sri Hanumantha Raju,
R/o.Veerepalli Village, Ulavapadu Mandal,
Prakasam District.
3 Sri Lakkamraju Narsa Raju, S/o.Sri Venkateswara Raju,
R/o.Veerepalli Village, Ulavapadu Mandal,
Prakasam District.
4 Smt.Potluri Dhanamma, W/o.Sri Suraiah,
R/o.Veerepalli Village, Ulavapadu Mandal,
Prakasam District.
5 Sri Yakasiri Kotiah, S/o.Sri Ankiah,
R/o.Veerepalli Village, Ulavapadu Mandal,
Prakasam District.

.... PETITIONERS

AND

1 The State of Andhra Pradesh, rep. by the Commissioner Panchayat Raj, Hyderabad.
2 The Mandal Revenue officer, Ulavapadu Mandal, Prakasam District.
3 The District Panachyat officer, Prakasam District, Ongole.
4 The District Collector, Prakasam District, Ongole.
5 Sri Kakarlapudi Rayaparaju, S/o.Sri Adinarayana Raju,
R/o.Veerepalli Village, Ulavapadu Mandal, Prakasam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a writ, direction or order, more particularly in the nature of a writ of Mandamus, holding the inaction of the 1st to 4th Respondents in not conducting a proper enquiry and taking appropriate action against the 5th Respondent as illegal and arbitrary, opposed to the principles of natural justice and unconstitutional and consequently direct the Respondents to immediately conduct an enquiry against the allegations against the 5th respondent and take appropriate action against the 5th Respondent and pass such other order or orders as deemed fit and proper by this Hon'ble court, in the circumstances of the case.

Counsel for the Petitioner: MR.SIVARAJU SRINIVAS

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following:

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ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents 1 to 4 in taking necessary action against the fifth respondent on the basis of the representation of the petitioners dated 16.12.2004.

Petitioners allege that the fifth respondent, who is the Sarpanch of Veerepalli Gram Panchayat, has been indulging in several irregularities in discharging his functions and that he has also misappropriated the funds of gram panchayat. It is stated that though they made a representation dated 16.12.2004 bringing the said fact to the notice of the fourth respondent herein as well as other concerned officials, they failed to initiate any action against the petitioner. Hence this writ petition.

I have heard the learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj appearing for the respondents.

Learned Government Pleader does not dispute the fact that under Section 249 of the Andhra Pradesh Panchayat Raj Act, 1994, the fourth respondent-District Collector is the competent authority to initiate appropriate action against the elected Sarpanch if in his opinion, the sarpanch has willfully omitted or refused to carryout the orders of the Government or abused his position or the powers vested in him.

In the circumstances, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the fourth respondent to consider the representation made by the petitioners on 16.12.2004 and to take necessary action in accordance with law after making due enquiry into the allegations made by the petitioner after affording due opportunity to the fifth respondent to rebut the said allegations, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

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15.04.2005

Note : Furnish C.C. in one week.

(B/O)

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To

1 The Commissioner, State of Andhra Pradesh,
Panchayat Raj, Hyderabad.
2 The Mandal Revenue officer, Ulavapadu Mandal, Prakasam District.
3 The District Panachyat officer, Prakasam District, Ongole.
4 The District Collector, Prakasam District, Ongole.
5 2 CCs to the GP for Panchayat Raj and Rural Development, High Court building, Hyderabad (OUT)

6 2 CD copies